

## U.S. DEPARTMENT OF COMMERCE - Patent and Trademark Office

IN REPLY REFER TO THE FOLLOWING AND THE FILING DATE:

**SERIAL NO.****APPLICANT**

Paper No.

73/489879 BANCO DEL PACIFICO S.A.

**MARK****ADDRESS:**Commissioner of  
Patents and  
Trademarks  
Washington, DC  
20231**TROPICAL  
ADDRESS****ACTION NO.**VALDES-FAULI, COBB & PETREY  
1400 AMERIFIRST BUILDING  
ONE SOUTHEAST 3RD AVENUE  
MIAMI, FLORIDA 33131

02

**MAILING DATE**

09/10/85

The address of  
all correspondence  
not containing fee  
payments should  
include the word  
"Box 5."

FORM PTO-1525 (2-84)

U.S. DEPT. OF COMM. PAT. &amp; TM OFFICE

Also furnish: (1) Serial number of application, (2) The mark, (3) Examining Attorney's name and Law Office number, (4) Mailing date of this action, and (5) Applicant's name (or applicant's attorney), telephone number and zip code.

A PROPER RESPONSE TO THIS OFFICE ACTION MUST BE RECEIVED WITHIN 6 MONTHS FROM THE DATE OF THIS ACTION IN ORDER TO AVOID ABANDONMENT.

Registration is refused because the mark, when applied to the applicant's goods, so resembles the mark(s) cited below as to be likely to cause confusion, or to cause mistake, or to deceive. (Section 2(d) of the Trademark Act, 15 U.S.C. 1052(d); TMEP section 1205.) (See attached copies.)

Reg. No(s). 882,567

The respective marks are substantially similar in sound and appearance.  
The respective goods are identical.

Although the applicant amended the identification of goods in accordance with the Examining Attorney's suggestion, upon further examination, the same remains somewhat indefinite. It is therefore suggested that the applicant amend the identification of goods to read as follows: "Soft drinks and flavored syrups used in the preparation of making soft drinks."

The modification to the dates-of-use clause has been entered in the record of this application. However, the word "Territorial," which refers to commerce between a states of the United States and an American territory (e.g. American Samoa, Guam, Virgin Islands, etc.), should be deleted therefrom.

**Ecuabeverage Statement of Material Facts - Exhibit 4**

The Declaration by an officer of applicant is acceptable, and has been entered in the record of this application.

The specimens of record do not show compliance with the labeling requirements of the Federal Food, Drug, and Cosmetic Act because they do not show the common or usual name of the goods. You must state whether or not you complied with the labeling provision of this Act as of the filing date of this application. (37 CFR Section 2.69; TMEP section 901.)

Refusal to register is therefore continued.

MMH:lmr

*Martin Marks*  
Martin H. Marks  
Trademark Attorney Law Ofc. 6  
703 557-2937

45 Consolidated In Int. Cl. 32-36

Class 46

# United States Patent Office

882,567

Registered Dec. 16, 1969

**PRINCIPAL REGISTER**  
**Trademark**

COMB. AFF. SEC 8 & 15....

Ser. No. 306,835, filed Sept. 9, 1968

**TROPICOL**

Johanna Farms, Inc. (New Jersey corporation)  
Flemington, N.J. 08822

For: FRUIT FLAVORED DRINKS CONTAINING  
WATER, in CLASS 45 (INT. CL. 32).

For: PREPARED REFRIGERATED TEA AND  
ORANGE JUICE, in CLASS 46 (INT. CLS. 30 and 32).

First use May 25, 1967; in commerce May 25, 1967.

A. G. DIETZ, Examiner